

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 1. This sheet, which includes Figures 1, replaces the original sheet including Figure 1. In Figure 1, previously omitted decision labels “yes” and “no” have been added.

Attachment: Replacement Sheet

REMARKS

Claims 1-14 are pending in the present application. By this amendment, claims 1 and 10 have been amended, and claims 15-24 have been added. Accordingly, claims 1-24 are currently under consideration. Applicant respectfully submits that these claims are allowable.

Objections to Drawings

The drawings stand objected to because of certain informalities. Appropriate amendments have been made. No new matter has been added. Applicant respectfully requests that the above-cited objection be withdrawn.

Objections to Claims

Claims 1, 5, 6, and 10 stand objected to because of certain informalities. According to the Office Action, the use of “if” in the claim language to perform steps of the method when a particular test is failed renders the steps taken and any subsequent steps dependent on the control step taken to not carry patentable weight because the steps do not need to be done in order for the method to be performed. (emphasis added)

Applicant has amended claims 1 and 10 to clarify that corresponding method steps are carried out. Applicant respectfully points out that claim 6 is not a method claim. Rather claim 6 recites “*A computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to*” perform certain operations. The above cited rationale for ignoring certain limitations of a method claim based on a single case where “a particular test is failed” is inapplicable to limitations corresponding to stored instructions in a computer-readable medium.

Applicant respectfully requests that the above-cited objection be withdrawn.

Claim Rejections Under 35 USC § 102

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Groeneveld et al. (U.S. Patent No. 6,230,304).

Applicant respectfully traverses this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131)

With respect to claim 1, Groeneveld does not disclose “*determining for each performance, device parameter pair, a ratio of changes of the values thereof.*” The Examiner has cited col. 11, lines 14-35, which includes this description: “To meet the predetermined timing requirements (constraints), adjustments of cell sizes and net wire widths can be made. Cell size adjustment is the process of selecting the appropriate drive strength for each cell such that all timing requirements are met.” (col. 11, lines 24-35) Applicant respectfully submits that the Examiner has improperly relied upon inherency in support of the rejection. Reliance on inherency when the reference is silent about the asserted inherent characteristic requires a rationale or evidence showing inherency. MPEP § 2112. The rationale or evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.” In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999) (citations omitted); MPEP §§ 2112, 2131.01.

Further, the Examiner has ignored limitations labeled (f) -(l) in claim 1.

Similarly, with respect to claim 6, Groeneveld does not disclose “*define a relationship between each performance and each device parameter.*” Further, the Examiner has ignored limitations labeled (f) -(j) in claim 6.

Similarly, with respect to claim 10, Groeneveld does not disclose “*defining a relationship for each performance, device parameter pair*” or “*defining a relationship for each*

performance, parasitic effect pair.” Further, the Examiner has ignored limitations labeled (h) -(k) in claim 10.

Applicant respectfully requests that the above-cited rejection under 35 U.S.C. § 102(b) be withdrawn.

Applicant submits that these claims are distinguishable over the cited references and all references of record.

New Independent Claims

New independent claims 15 and 20 have been added to the application. Claims 16-19 depend from claim 15, and claims 21-24 depend from claim 20.

Applicant submits that these new claims are distinguishable over the cited references and all references of record.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **188122003300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

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Attachments